



General Assembly

January Session, 2005

Raised Bill No. 6850

LCO No. 4136

04136_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT PROHIBITING A PERSON PROFITING FROM THE
INTENTIONAL KILLING OF ANOTHER PERSON.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-447 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) A person finally adjudged guilty, either as the principal or
4 accessory, of any crime under section 53a-54a or 53a-54b, or in any
5 other jurisdiction, of any crime, the essential elements of which are
6 substantially similar to such crimes, shall not inherit or receive any
7 part of the estate of the deceased, whether under the provisions of any
8 act relating to intestate succession, or as devisee or legatee, or
9 otherwise under the will of the deceased, or receive any property as
10 beneficiary or survivor of the deceased; and such person shall not
11 inherit or receive any part of the estate of any other person when such
12 homicide or death terminated an intermediate estate, or hastened the
13 time of enjoyment. With respect to inheritance under the will of the
14 deceased, or rights to property as heir, devisee, legatee or beneficiary
15 of the deceased, the person whose participation in the estate of another
16 or whose right to property as such heir, devisee, legatee or beneficiary

17 is so prevented under the provisions of this section shall be considered
18 to have predeceased the person killed. With respect to property owned
19 in joint tenancy with rights of survivorship with the deceased, such
20 final adjudication as guilty shall be a severance of the joint tenancy,
21 and shall convert the joint tenancy into a tenancy in common as to the
22 person so adjudged and the deceased but not as to any remaining joint
23 tenant or tenants, such severance being effective as of the time such
24 adjudication of guilty becomes final. When such jointly owned
25 property is real property, a certified copy of the final adjudication as
26 guilty shall be recorded by the fiduciary of the deceased's estate, or
27 may be recorded by any other interested party in the land records of
28 the town where such real property is situated.

29 (b) In all other cases where a defendant has been convicted of,
30 [killing] or found civilly liable for, intentionally causing the death of
31 another person, the right of such defendant to inherit or take any part
32 of the estate of the person killed or to inherit or take any estate as to
33 which such homicide or death terminated an intermediate estate, or
34 hastened the time of enjoyment, or to take any property as beneficiary
35 or survivor of the deceased shall be determined by the common law,
36 including equity.

37 (c) (1) A named beneficiary of a life insurance policy or annuity who
38 intentionally causes the death of the person upon whose life the policy
39 is issued or the annuitant, is not entitled to any benefit under the
40 policy or annuity, and the policy or annuity becomes payable as
41 though such beneficiary had predeceased the decedent.

42 (2) A conviction under section 53a-54a, 53a-54b, 53a-54c, 53a-54d,
43 53a-55 or 53a-55a, shall be conclusive for purposes of this subsection.
44 In the absence of such a conviction, the Superior Court may determine
45 by the common law, including equity, whether the named beneficiary
46 is entitled to any benefit under the policy or annuity. In any
47 proceeding brought under this subsection, the burden of proof shall be
48 upon the person challenging the eligibility of the named beneficiary

49 for benefits under a life insurance policy or annuity.

50 (3) Any insurance company making payment according to the terms
51 of its policy or annuity is not liable for any additional payment by
52 reason of this section unless it has received at its home office or
53 principal address written notice of a claim under this section prior to
54 such payment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	45a-447

Statement of Purpose:

To prohibit a person who has been found civilly liable for intentionally causing the death of another person from inheriting from the estate of the deceased or receiving property as a beneficiary or survivor of the deceased.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]